IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2289 OF 2000.
IN
FIRST APPEAL NO. 2776 OF 2006.

The State of Maharashtra. ... Applicant.
Versus.
Shivaji Parabtrao Deshmukh ... Respondent.

Shri A.R.Patil, A.G.P. for the Applicant.

CORAM : ABHAY S.OKA, J.

DATED : 11th January, 2007.

P.C.:

1. Heard the learned A.G.P. for the Applicant. The challenge in the First Appeal is to the Judgment and Award dated 6th April 1996 passed by the Joint District Judge, Nashik in a reference under section 18 of the Land Acquisition Act, 1894. For a period of 10 years and more there is no stay operating in favour of the Applicant. Considering this aspect and considering the amount of enhancement granted, the stay cannot be granted after a lapse of 10 years. Hence the Application is rejected.

2. It is made clear that the withdrawal of the compensation amount by the Claimant will be subject to the final outcome of the Appeal. If the Claimant has already furnished any security while withdrawing the amount, the same shall be maintained till the disposal of the Appeal.

Judge.